

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

**Criminal Action No. 2:07 CR 14
(Maxwell)**

**SARA HENRIQUEZ-GALO a/k/a
SARA HENRIQUEZ-HENRIQUEZ a/k/a
SARA ISABEL HENRIQUEZ-RUIZ,**

Defendant.

ORDER

It will be recalled that on May 8, 2007, United States Magistrate Judge John S. Kaul conducted a hearing for the purpose of considering a proposed plea agreement in the above-styled criminal action. In this regard, it will be recalled that the undersigned United States District Judge had referred the proposed guilty plea to United States Magistrate Judge Kaul for the purposes of administering the allocution pursuant to Rule 11 of the Federal Rules of Criminal Procedure, making a finding as to whether the plea was knowingly and voluntarily entered, and recommending to this Court whether the plea should be accepted.

On May 8, 2007, Defendant Sara Henriquez-Galo¹ appeared before United States Magistrate Judge John S. Kaul and entered a plea of guilty to Count One of the three-count Indictment returned in the above-styled criminal action on April 24, 2007. Count One of the Indictment charges the Defendant with the false use of a Social

¹It should be noted that present for the May 8, 2007, hearing, in addition to counsel of record and the Defendant, was Ana Lahr, a certified Spanish language court and conference interpreter/translator obtained by the Court for the benefit of the Defendant, who is a native of Honduras.

Security number in violation of 42 U.S.C. § 408(a)(7)(B).

Prior to entering her plea of guilty to Count One of the Indictment, the Defendant acknowledged her understanding that she had a right to have an Article III Judge hear her plea of guilty and that United States Magistrate Judge John S. Kaull was not an Article III Judge; voluntarily waived, both orally and in writing, her right to have an Article III Judge hear her plea of guilty; and consented, both orally and in writing, to Magistrate Judge Kaull hearing her plea of guilty.

Based upon the Defendant's statements during the May 8, 2007, hearing and the testimony of Special Agent Angela Veronda of Immigration and Customs Enforcement, United States Magistrate Judge John S. Kaull found that the Defendant was competent to enter a plea; that her plea of guilty was freely and voluntarily given; that the Defendant was aware of the nature of the charges against her and the consequences of the entry of a plea of guilty thereto; and that a factual basis existed for the Defendant's plea of guilty to Count One of the Indictment. Based on these findings, United States Magistrate Judge John S. Kaull entered a Report And Recommendation/Opinion on May 10, 2007, wherein he found that a factual basis for the Defendant's plea of guilty to Count One of the Indictment existed and recommended that this Court accept said plea of guilty; grant the Defendant's oral motion to expedite sentencing; and sentence the Defendant in an expedited fashion.

The Report And Recommendation/Opinion entered by United States Magistrate Judge John S. Kaull on May 10, 2007, expressly advised the parties, pursuant to 28 U.S.C. § 636(b)(1), of their right to file written objections to said Report And Recommendation/Opinion within ten (10) days after being served with a copy thereof

and warned the parties that a failure to file objections would waive their right to appeal from a judgement of this Court based upon said Report And Recommendation/Opinion. The record in the above-styled criminal action reflects that no objections to Magistrate Judge Kaull's Report And Recommendation/Opinion have been filed.

Upon examination of the Report and Recommendation/Opinion entered by United States Magistrate Judge John S. Kaull on May 10, 2007, as well as the Waiver Of Article III Judge And Consent To Enter Guilty Plea Before The United States Magistrate Judge, and the Plea Agreement, all of which were filed during said May 8, 2007, hearing, it appears to the Court that all matters raised and suggested by Magistrate Judge Kaull in his Report and Recommendation/Opinion are appropriate. The Court further finds, based upon its review, that a factual basis existed for the plea of guilty to Count One of the Indictment entered by the Defendant on May 8, 2007; that the plea of guilty to Count One of the Indictment entered by the Defendant on May 8, 2007, was made freely and voluntarily; and that the Defendant understood the nature of the charges and the consequences of the plea of guilty to Count One of the Indictment that she entered before United States Magistrate Judge John S. Kaull on May 8, 2007. Accordingly, based upon the foregoing findings, it is hereby

ORDERED that the Report and Recommendation/Opinion entered by United States Magistrate Judge John S. Kaull on May 10, 2007, be, and the same hereby is, **ACCEPTED** in totality, **ADOPTED** by this Court, and **INCORPORATED** herein. It is further

ORDERED that, based upon the aforementioned findings, the Defendant's plea of guilty to Count One of the Indictment be, and the same hereby is **ACCEPTED**. It is further

ORDERED that, pursuant to Rule 11(c)(3) of the Federal Rules of Criminal Procedure and §6B1.1(c) of the United States Sentencing Guidelines, the Court will defer

acceptance of the plea agreement, and any nonbinding recommendations and stipulations contained therein, until the Court has received and reviewed the Presentence Report which will be prepared in this matter.

The Court, agreeing with United States Magistrate Judge John S. Kaull that good cause has been demonstrated for the expedited sentencing hearing requested on behalf of the Defendant, it is further

ORDERED that the oral Motion To Expedite Sentencing made on behalf of the Defendant on May 8, 2007, be, and the same is hereby, **GRANTED**. It is further

ORDERED that a **sentencing hearing** shall be conducted in the above-styled criminal action on **Thursday, June 21, 2007, at 10:00 a.m.**, at the Federal Courthouse in Elkins, West Virginia.

Although sentencing in the above-styled criminal action will take place in an expedited fashion, the Court believes that an abbreviated presentence investigation report would be helpful to the Court in sentencing the Defendant. Accordingly, it is

ORDERED that the United States Probation Office shall undertake an abbreviated and expedited presentence investigation and shall file an abbreviated presentence investigation report with the Court.

The Clerk of the Court is directed to transmit copies of this Order to Counsel for the United States, to Counsel for the Defendant, and to United States Probation Officer William C. Bechtold, Jr.

ENTER: May 25, 2007


United States District Judge